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4

5 **IN THE UNITED STATES BANKRUPTCY COURT**
6 **FOR THE DISTRICT OF ARIZONA**

7 In re:

8 JOHN LEO BLASI,

9
10 Debtor.
11

In Proceeding Under Chapter 13

Case No. 2-10-BK-16831 GBN

**TRUSTEE'S OBJECTION TO CLAIMS
OF PROPERTY AS EXEMPT**

12 Russell A. Brown, Chapter 13 Trustee, objects to property of debtors claimed as exempt in
13 this case.

14 The Debtors have claimed a \$2,738.00 exemption, pursuant to ARS § 33-1124, on a bank
15 account with Wells Fargo. ARS § 33-1124 states, "All food, fuel and provisions actually provided
16 for the debtor's individual or family use for six months are exempt from process." The Trustee
17 objects to the attempt to exempt the bank account as food/fuel/provisions and requests that this
18 exemption claim be denied in full.

19 Judge Curley and Judge Hollowell have each recently ruled against attempts to claim pre-paid
20 deposits as food/fuel/provisions. The Trustee acknowledges that Judge Curley allowed the debtors
21 in the *Ward* case to exempt the pre-paid deposits with the electrical company and natural gas
22 company on the basis that they qualified as "fuel." *In re Ward*, 2010 WL 447326, *3 (Bankr.D.Ariz.
23 February 9, 2010). However, the Trustee questions whether the potential for the Debtor to get a
24 refund of these "fuel" deposits changes their character from a deposit of "fuel" to a deposit of cash.
25 Judge Hollowell has previously stated her disinclination to allow pre-paid deposits of a utility. "If
26 a debtor can earmark funds for future acquisition of food and fuel, then why not couches or
27 refrigerators?" *In re Gietl*, 2009 WL 3872153, *2 (Bankr.D.Ariz. November 16, 2009) (referencing
28 *In re Janz*, 74 B.R. 32, 33 (Bankr.D.N.D. 1987)).

Wherefore, based on the foregoing, the Trustee objects to the exemption claimed by Debtors and requests the Wells Fargo bank account exemption be denied in full.

Dated: August 4, 2010.

/s/ Scott Lieske
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A copy of the foregoing
was mailed on August 4, 2010, to:

John Blasi
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Debtor(s)

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/s/ Scott Lieske